

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRELL K. BROCK, :
Plaintiff, :
v. :
: :
CVS CORPORATION; LEONARDO :
CORONADO; ASHLEY CAMACHO; CITY OF :
WHITE PLAINS; JOSE LUIS FORMOSO; and :
P.O. C. BROWNING, :
Defendants. :
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ORDER

22 CV 4014 (VB)

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Chambers of Vincent L. Briccetti

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action on May 16, 2022. (Doc. #2). On June 3, 2022, plaintiff moved for the appointment of counsel. (Doc. #10). On June 8, 2022, the Court denied plaintiff's request for appointment of counsel without prejudice as to renewal. (Doc. #13).

By Order dated November 21, 2022, the Court set out additional, relevant procedural history of the case. (Doc. #37).

On December 1, 2022, the Court received from plaintiff (i) a letter from plaintiff requesting information regarding how to serve defendants and the deadline to do so (Doc. #40); and (ii) a motion for appointment of counsel (Doc. #41), with a supporting declaration (Doc. #42).

Accordingly, it is HEREBY ORDERED:

1. As stated in the Court's Orders dated November 21, 2022 (Doc. #37), and December 1, 2022 (Doc. #43), plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve Officer Formoso is **STAYED** pending further Court Order. **Once the Court receives the third amended complaint, it will set a service deadline pursuant to Fed. R. Civ. P. 4(m).**

2. Because plaintiff is proceeding in forma pauperis, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. Pursuant to the Court's Order dated

November 21, 2022 (Doc. #37), once the Court receives and screens the third amended complaint, it will issue an appropriate order directing the Clerk of Court to issue summonses for the newly identified defendants and to deliver to the U.S. Marshals all materials necessary to effect service.

To be clear, plaintiff does not need to do anything to effect service on defendants.

3. The Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. The Court, in its discretion, does not find exceptional circumstances in plaintiff's case warranting the appointment of counsel at this time. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargent Co., 877 F.2d 170, 172 (2d Cir. 1989).

Accordingly, plaintiff's request for the appointment of counsel is DENIED WITHOUT PREJUDICE for renewal at an appropriate time in the future.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #41).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: December 2, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge